

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MICHAEL KOZLOWSKI,

Petitioner,

Case No: 2:08-CV-13450

vs.

PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

C. EICHENLAUB,

Respondent.

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**OPINION AND ORDER SUMMARILY DISMISSING PETITION  
FOR WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner Michael Kozlowski (“Petitioner”) has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner, who is currently incarcerated at the Federal Correctional Institution (FCI) in Milan, Michigan, alleges that officials at FCI-Milan have denied him necessary medical supplies. This claim is not properly filed under 28 U.S.C. § 2241. The Court, therefore, shall dismiss the petition without prejudice.

Section 2241 is a “vehicle not for challenging prison conditions, but for challenging matters concerning the execution of a sentence such as the computation of good-time credits.” *Sullivan v. United States*, 90 Fed. App’x 862, 863 (6th Cir. 2004). *See also Glaus v. Anderson*, 408 F.3d 382, 386 (7th Cir. 2005) (holding that a prisoner challenging the conditions under which he is being held may not seek relief under the habeas statute). A complaint alleging a defendant, acting under color of federal law, violated a prisoner’s rights under the Constitution is properly filed pursuant to the doctrine announced in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971) (holding that suits for damages may be maintained against federal officials for violations of the Constitution). Because Petitioner is challenging the conditions of his confinement,

rather than the execution of his sentence, the Court shall summarily dismiss the petition.

For the foregoing reasons, the Court **DISMISSES WITHOUT PREJUDICE** the petitioner for a writ of habeas corpus.

**SO ORDERED.**

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 22, 2008

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 22, 2008.

s/Denise Goodine  
Case Manager